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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

Mennie *et al.*

Serial No. 09/076,528

Filed: May 12, 1998

Title Method and Apparatus for
Discriminating and Counting
Documents

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Examiner: Auh Hong Do

Group Art Unit: 2724

Attorney Docket No. CUMM:139--1
47171-00139USC1

**PETITION UNDER 37 C.F.R. § 1.97(d) FOR CONSIDERATION OF
INFORMATION DISCLOSURE STATEMENT DATED DECEMBER 7, 2000 AFTER
ALLOWANCE**

Commissioner For Patents
Washington, DC 20231

EXPRESS MAIL MAILING LABEL

NUMBER: EK506617925US

DATE: March 19, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington D.C. 20231.

Maureen Miller Hammond
Signature

Dear Commissioner:

Applicants have received a "Notice of Non-Compliance Of Information Disclosure Statement With Provisions Of 37 C.F.R. §1.97," mailed February 26, 2001. A copy of this Notice of Non-Compliance is attached hereto as Appendix A. Pursuant to this Notice of Non-Compliance, Applicants are now submitting this petition to comply with 37 C.F.R. §§1.97 and 1.98 so that the Examiner will consider the Fifth Information Disclosure Statement.

Applicants hereby petition under 37 C.F.R. § 1.97(d)(2) for the consideration of the Fifth Information Disclosure Statement, filed December 7, 2000. A copy of this Fifth Information Disclosure Statement and corresponding Form PTO-1449 are attached hereto as Appendix B.

No item of information contained in the Fifth Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and, to the knowledge of the undersigned after making a reasonable inquiry, no item of information

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contained in the Fifth Information Disclosure Statement was known to any individual designated in §1.56(c) more than three month prior to the filing of the Fifth Information Disclosure Statement.

In October 2000, Applicants were made aware of the information contained in the Fifth Information Disclosure Statement in conjunction with oppositions filed in the Japanese Patent Office concerning Japanese Patent Nos. 2995156 and 2994461.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact Applicants' undersigned attorney at the number indicated.

The Fifth Information Disclosure Statement, mailed December 7, 2000, was submitted after the mailing of either the mailing of a Final Rejection or Notice of Allowance but before payment of the issue fee. Accordingly, the petition fee set forth in 37 C.F.R. § 1.17(i) of \$180.00 is enclosed herewith. However, should any fees be deemed necessary (except payment of the issue fee), the Commissioner is authorized to charge any deficiency or to credit any over payment to JENKENS & GILCHRIST, P.C. Account No. 10-0447/47171-00139USC1.

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Respectfully submitted,

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